

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 29, 2019

SEAN F. MCAVOY, CLERK

SEAN M. DRIVER, a single person,

Plaintiff,

v.

SPOKANE COUNTY; JOHN
MCGRATH, Jail Director; and JOHN
DOE,

Defendants.

No. 2:19-cv-00107-SMJ

**ORDER DISMISSING
PLAINTIFF'S FEDERAL CLAIMS
AND REMANDING CASE TO
STATE COURT**

Before the Court, without oral argument, is Plaintiff Sean M. Driver's Notice of Dismissal of Federal Claims and Motion to Remove Case to State Court, ECF No. 9. Defendants Spokane County and John McGrath have not responded to the motion within fourteen days of filing. *See* LCivR 7(c)(2)(B)(i), (e). Further, Defendants have not served an answer or summary judgment motion. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Notice of Dismissal of Federal Claims and Motion to Remove Case to State Court, ECF No. 9, is **GRANTED**.
2. All federal claims are **DISMISSED WITHOUT PREJUDICE**.

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3. All remaining claims are **REMANDED** to the Spokane County Superior Court, case number 19-2-01012-32.
 4. All parties shall bear their own costs and attorneys' fees, unless a subsequent court rules otherwise.
 5. All pending motions are **DENIED AS MOOT**.
 6. All hearings and other deadlines are **STRICKEN**.
 7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 29th day of July 2019.

Salvador Mendoza Jr.
SALVADOR MENDEZ, JR.
United States District Judge